

INTERGOVERNMENTAL AGREEMENT

BETWEEN
THE STATE OF ARIZONA
AND
THE TOWN OF PARADISE VALLEY

THIS AGREEMENT is entered into 13 April 1998, pursuant to Arizona Revised Statutes, Sections 11-951 through 11-954, as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State") and the TOWN OF PARADISE VALLEY, acting by and through its MAYOR AND TOWN COUNCIL (the "Town").

I. RECITALS

1. The State is empowered by Arizona Revised Statutes Section 28-401, and 28-334 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has delegated to the undersigned the authority to execute this agreement on behalf of the State.

2. The Town is empowered by Arizona Revised Statutes Section 48-572, to enter into this agreement and has by resolution agreed to enter into this agreement and has authorized the undersigned to execute this agreement on behalf of the Town.

3. The US Department of Transportation has allocated \$7,500,000.00 to the metropolitan Phoenix area to be administered by the State and Maricopa County to accomplish the program via a State, Town and private sector partnership known as the "AZTech Project", for the expressed purpose of implementing an Integrated Regional Advanced Traveler Information System, and demonstrate intelligent transportation systems throughout the area and involve State, Town, regional and local jurisdictions

NO. 22307
Filed with the Secretary of State
Date Filed: 04/13/98

Petrey Gayles
Secretary of State

By Vicky Greenwald

4. The AZTech concept is to integrate the existing intelligent transportation infrastructure into a regional system. The State with Maricopa County, regional and local jurisdictions, are jointly developing the AZTech Project to establish and implement an integrated traveler information system for the multimodal traveler. The Project will enhance the transportation management systems for the Phoenix metropolitan area by providing up-to-the-minute travel information and facilitate signal coordination across jurisdictional boundaries, thereby providing increased safety and improved regional mobility.

5. The State and Town are working together with other AZTech Project partners in a common goal of coordinating traffic management systems in direct consideration of a regional transportation system.

6. The State and the Town have identified potential areas where Intelligent Transportation System (ITS) technology can be applied to improve traffic management and establish a Traffic Traveler Information System in the valley for the AZTech Project. The intent of this agreement is to define the terms of the parties with regard to respective responsibilities related to the SMART Corridors instrumentation, (defined as "a systematically managed roadway, utilized at maximum efficiency.) The term of the AZTech Project is five (5) years.

THEREFORE, in consideration of the mutual covenants expressed herein, it is agreed as follows:

II. SCOPE

1. The Town will:

a. Provide representatives, subject to staffing availability to the AZTech Project committees and working groups. Allow for and assist in the communication between the Traffic Operation Centers (TOCs). Allow timely access to the Town's traffic system data bases. Participate in the development and implementation of a system evaluation plan. Participate in the development and implementation of multi-jurisdictional signal system timing plans and establish inter-operability between Town, State and other jurisdictions. Participate in system training as required.

b. Participate in the design, provide staff assistance for the coordination of construction and maintenance of approximately five (5) field detector stations, as well as provide ongoing operations support and maintenance for the 5 year duration of the AZTech Project.

c. Be responsible for, construction assistance and maintenance of a closed circuit television system for monitoring traffic on the AZTech SMART corridors.

d. Issue right-of-way, utility and environmental permits as needed. Contribute in-kind services which include, but are not limited to, approval of detector construction plans and/or work orders, construction, and contract administration for any sub-contracted work, necessary to implement the AZTech SMART corridors.

e. Provide locations for the installation of the initial KIOSK at the State's expense, at an estimated cost of \$20,000.00 per KIOSK, at the location proposed by the Town and agreed upon by the State. Provide ongoing operations support and maintenance for the 5 year duration of the AZTech Project and be responsible for all costs beyond the initial expenditure by the State. Be responsible for additional KIOSKS at a fifty percent (50%) match, at an estimated cost of \$10,000.00 per KIOSK, at the location proposed by the Town and agreed upon by the State, provided additional funding is available through the AZTech Project, should the Town desire additional KIOSKS.

f. On a monthly basis, maintain and provide, to the State AZTech Project Administrator, on an approved format, an itemized accounting of all contracts, in-kind services and materials, necessary to implement the AZTech SMART corridors.

g. Be responsible for all video and data communications cost beyond the initial 60 month implementation of the AZTech program at an estimated cost of \$500.00/month. At the end of the initial 60 month period, the Town may negotiate with U S West Communications, (the video and data services provider), for video and data service needs beyond the initial implementation period at the current or a reestablished service level.

h. Be responsible for any contractor claims for extra compensation due to delays or whatever reason attributable to the Town.

2. The State will:

a. Allow timely access to the AZTech Server system data bases to facilitate integration into the AZTech Project. Participate in the development and implementation of a system evaluation plan.

b. Provide project planning, design review and construction, to the extent necessary, to implement the AZTech SMART corridors.

c. Be responsible for the initial KIOSK, at an estimated cost of \$20,000.00 per KIOSK. Support and maintain all operating systems and traveler information software on the AZTech KIOSKS, at an estimated cost not to exceed \$3,000.00 per KIOSK, for the 5 year duration of the AZTech Project. Be responsible for additional KIOSKS at a fifty percent (50%) match, at an estimated cost of \$10,000.00 per KIOSK, at the location proposed by the Town and agreed upon by the State, provided additional funding is available through the AZTech Project, should the Town desire additional KIOSKS.

d. Be responsible for all video and data communications costs between traffic operations centers for the initial 60 month implementation of the AZTech program, at an estimated cost not to exceed \$20,000.00.

e. Be responsible for any contractor claims for extra compensation due to delays or whatever reason attributable to the State.

III. MISCELLANEOUS PROVISIONS

1. This agreement shall remain in force and effect until 30 June 2003, or until cancelled by either party upon thirty (30) days written notice to the other party, or by other competent authority.

2. This agreement shall become effective upon filing with the Secretary of State.

3. This agreement may be cancelled in accordance with Arizona Revised Statutes Section 38-511.

4. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.

5. In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth in Arizona Revised Statutes Section 12-1518.

APPROVAL OF THE TOWN OF PARADISE VALLEY ATTORNEY

I have reviewed the above referenced proposed intergovernmental agreement, between the DEPARTMENT OF TRANSPORTATION, INTERMODAL TRANSPORTATION DIVISION, and the TOWN OF PARADISE VALLEY and declare this agreement to be in proper form and within the powers and authority granted to the Town under the laws of the State of Arizona. No opinion is expressed as to the authority of the State to enter into this agreement.

DATED this 18 day of March, 1998.

A handwritten signature in black ink, appearing to read "R. Allen", is written over a horizontal line.

Town Attorney

6. All legal notices or demands upon any party relating to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

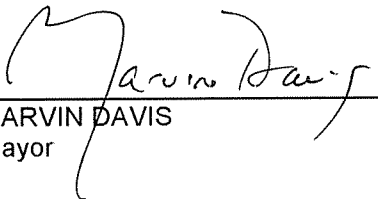
Arizona Department of Transportation
Joint Project Administration
205 South 17 Avenue, Mail Drop 616E
Phoenix, AZ 85007

Town of Paradise Valley
Transportation Department
6401 E. Lincoln Drive
Paradise Valley, AZ 85253-4399

7. Attached hereto and incorporated herein is the written determination of each party's legal counsel that the parties are authorized under the laws of this State to enter into this agreement and that the agreement is in proper form.

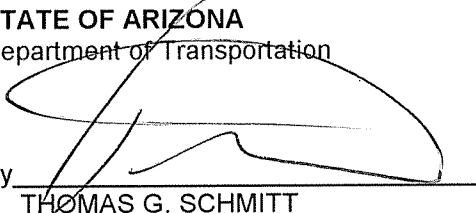
IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

TOWN OF PARADISE VALLEY

By 
MARVIN DAVIS
Mayor

STATE OF ARIZONA

Department of Transportation

By 
THOMAS G. SCHMITT
State Engineer


ATTEST

By 
LENORE P. LANCASTER
Town Clerk

RESOLUTION

BE IT RESOLVED on this 6th day of August 1997, that I, the undersigned LARRY S. BONINE, as Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona that the Department of Transportation, acting by and through the Intermodal Transportation Division, to enter into an agreement with the Town of Paradise Valley, for the purpose of defining responsibilities to jointly develop the AZTech Project, establish and implement an integrated traveler information system for the multimodal traveler.

Therefore, authorization is hereby granted to draft said agreement which, upon completion, shall be submitted to the State Engineer for approval and execution.


for LARRY S. BONINE
Director

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**TOWN OF PARADISE VALLEY
MINUTES
TOWN COUNCIL MEETING
MARCH 12, 1998
7:00 p.m.**

CALL TO ORDER

The regular meeting of the Town Council of the Town of Paradise Valley, Arizona, was called to order by Mayor Marvin Davis at 7:00 p.m. on Thursday, March 12, 1998, in the Town Hall, 6401 East Lincoln Drive, Paradise Valley, Arizona, 85253.

ROLL CALL

Answering the Roll Call:

Mayor Marvin Davis
Vice Mayor Sylvia Yoder
Council Member Jane Cole
Council Member Vik Jackson
Council Member Sara Moya
Council Member Gerry Thomas

Council Member John M. "Jack" Hook was not present.

STAFF MEMBERS PRESENT

Town Manager Thomas M. Martinsen
Management Services Director Lenore P. Lancaster
Town Attorney Richard Garnett
Police Chief John D. Wintersteen
Community Development Director Neal Pascoe
Public Works Director William Mead
Deputy Town Clerk Duncan Miller

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the Flag was led by Mayor Davis.

CONSENT AGENDA

The following items were on the Consent Agenda:

- a) Minutes of Town Council Work Session February 26, 1998.
- b) Minutes of Town Council Meeting February 26, 1998.
- c) Report of Bills and Payroll

Council Member Moya requested items 4a and 4b be removed from the consent agenda for separate discussion.

Mayor Davis moved approval of item 4c, Council Member Moya seconded the motion which passed 6-0.

Council Member Cole moved approval of items 4a and 4b. Vice Mayor Yoder seconded the motion. Agenda item a carried with a vote of 4-2 (yes votes: Mayor Davis, Vice Mayor Yoder, Council Members Jackson, and Cole; No votes: Council Members Moya and Thomas). Agenda item b failed 3-2-1 (Yes votes: Mayor Davis, Vice Mayor Yoder, Council Member Cole; No votes: Council Members Thomas and Moya; Council Member Jackson abstained).

MAYOR and COUNCIL REPORTS

Mayor Davis announced the unofficial results of the March 10th Primary Election.

Mayor Davis turned the gavel over to Vice Mayor Yoder.

Council Member Moya announced she wished to speak on the same issue as Council Member Thomas then yielded to Council Member Thomas.

Council Member Thomas addressed possible solutions to the sewer issue.

Council Member Cole moved to return to Vox Populi on the agenda.

Town Attorney Garnett ruled that council could suspend the rules and return to Vox Populi.

Vice Mayor Yoder asked if there was objection to suspending the rules and returning to Vox Populi after completion of Mayor and Council reports. There was no objection.

Council Member Cole announced that Paradise Valley has been named as a Tree city USA for the second year.

Vice Mayor returned the gavel to Mayor Davis.

VOX POPULI

Andy Gordon 6837 E. Lincoln Drive addressed the Applewood Kennels construction.
Jerry Kanwischer 6428 N. Quail Run Road spoke against Applewood Kennel construction.
Clayton Coady, owner of Applewood Kennels, responded to concerns about Kennel.

Mayor Davis requested staff to provide a report on the kennel issue.

TOWN MANAGER'S REPORT

Consideration and Authorization to Enter into an Intergovernmental Agreement with the State of Arizona for the Implementation of an Integrated Regional Advanced Traveler Information System.

Mr. Martinsen requested the approval of the IGA with the State of Arizona noting that the council reviewed this in a work session.

Mr. Mead presented a summary of the Advanced Traveler Information System. Mr. Mead also addressed the benefits of the system.

Chief Wintersteen noted his support of the system and addressed safety and traffic issues.

Jim Decker of AZTeck addressed council's questions.

Vice Mayor Yoder moved approval of the IGA and Council Member Cole seconded the motion. It was approved by a 6-0 vote.

Consideration of Traffic Matter on Claremont Placing Stop Signs on Claremont at 33rd Street and 35th Place.

Mr. Martinsen requested Council authorization to install stop signs on Claremont at 33rd and 35th Place based on resident requests.

Mr. Mead addressed Council's questions on warrants for stop signs.

Jack Fuller who resides at 3421 E. Claremont opposed the placement of stop signs. Mr. Mead responded to Mr. Fuller's concerns. Mr. Fuller addressed Mr. Mead's response.

Council Member Thomas moved to deny the placement of stop signs. Motion died for lack of a second.

Mayor Davis moved to continue this item for reconsideration in three months. The motion was seconded by Council Member Jackson. The motion passed 4-2 (Yes votes: Mayor Davis, Vice Mayor Yoder, Council Members Jackson, and Cole; No votes: Council Members Thomas and Moya).

Consideration of Ordinance #458 Establishing the R-87 District.

Mr Pascoe presented Ordinance #458 that would establish a new zoning district allowing for the possibility of two acre lots and requested council approval.

Jini Simpson, representing the Planning and Zoning Commission, discussed the recommendation of the Planning and Zoning Commission. Alex Haas, also a member of the Planning and Zoning Commission, spoke in favor of the ordinance. Mr. Haas then responded to the questions from the council.

Howard Lavitt of 7525 Ironwood Drive voiced his support for the new district.

Kelvin Danelson of 7575 N. Ironwood Drive spoke in favor of the proposed district.

Carl Howell of 7805 Mohave addressed his concerns about the district.

Council Member Cole moved approval of the ordinance. Council Member Yoder seconded the motion.

Town Attorney Garnett addressed council's questions concerning the legal basis of the ordinance.

The motion failed by a vote of 3-3 (Yes votes Mayor Davis, Vice Mayor Yoder, Council Member Cole; No votes: Council Members Jackson, Moya, and Thomas).

Consideration of Ordinance #459 Amending Sewer Connection Requirements.

Mr. Martinsen presented items 7d and 7e together as they are related and requested Council approval.

Mr. Mead responded to questions from the council concerning the installation of septic systems in the Town. Mr. Pascoe answered questions from the council concerning how the ordinance would effect remodeling of existing structures.

Council Member Thomas moved approval of the ordinance and Council Member Moya seconded the motion. The motion passed with a vote of 6-0.

Consideration of Approval of Payment to City of Scottsdale for Excess Sewage Flows.

Mrs. Lancaster, Management Services Director, responded to questions about funding sources

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for the payment. She noted that no existing programs would be effected by the proposed payment.

Council Member Thomas moved approval of the payment. Council Member Moya seconded the motion. The vote carried 5-1 (Yes votes: Mayor Davis, Vice Mayor Yoder, Council Members Jackson, Moya, Thomas; No votes: Council Member Cole).

Mayor Davis introduced Boy Scout Vincent Devlin, who was present to fulfill a merit badge requirement, and he recognized Nell Haddock who had attended the Candidates Forum.

ADJOURNMENT

Mayor Davis adjourned the meeting at 9:28 p.m.

Marvin Davis, Mayor

ATTEST:

Lenore P. Lancaster, Town Clerk

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the regular meeting of the Town Council of Paradise Valley held on the 12th day of March, 1998. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this _____ day of _____, 1998.

Lenore P. Lancaster, Town Clerk



GRANT WOODS
ATTORNEY GENERAL

STATE OF ARIZONA
OFFICE OF THE ATTORNEY GENERAL
1275 WEST WASHINGTON, PHOENIX 85007-2926

TRN Main: (602) 542-1680
Direct: (602) 542-8837
Fax: (602) 542-3646
MAIN PHONE : 542-5025
TELECOPIER : 542-4085


INTERGOVERNMENTAL AGREEMENT
DETERMINATION

A.G. Contract No. KR97-2103TRN, an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATE April 7, 1998.

GRANT WOODS
Attorney General


JAMES R. REDPATH
Assistant Attorney General
Transportation Section

JRR:et/11603

Enc.